

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE M. WRIGHT,

Plaintiff,

v.

ELK GROVE FEDERAL PROBATION
OFFICE, et al.,

Defendants.

No. 2:25-cv-0691 DAD AC

ORDER and ORDER TO SHOW CAUSE

Plaintiff, appearing in pro se, filed a complaint on February 27, 2025 and paid the filing fee on April 8, 2025. ECF No. 1; Docket Entry dated April 8, 2025. Following payment, a summons and civil case documents were issued ordering the plaintiff to serve a copy of the scheduling order and complete service of process on defendants within 90 days. ECF Nos. 3, 4 at 2. Plaintiff was cautioned that failure to complete service within 90 days may result in dismissal pursuant to Fed. R. Civ. P. 4(m). ECF No. 4 at 2.

Plaintiff filed a summons returned unexecuted on April 21, 2025. Plaintiff submitted a “Notice of attempt to serve” on July 1, 2025. ECF No. 10. Both of these documents indicate that plaintiff tried to personally serve the defendants himself. Federal Rule of Civil Procedure 4, which explains the requirements for service of process, states that “[a]ny person who is at least 18 years old *and not a party* may serve a summons and complaint.” Fed. R. Civ. P. 4(c)(2) (emphasis added). Because plaintiff, who is a party to this case, has attempted to serve the

1 defendants himself, the attempts have not been valid. Plaintiff is directed to review Federal Rule
2 of Civil Procedure 4 for a description of service requirements.

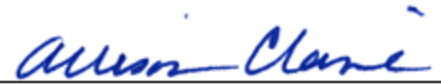
3 Local Rule 110 provides that failure to comply with court orders or the Local Rules “may
4 be grounds for imposition of any and all sanctions authorized by statute or Rule or within the
5 inherent power of the Court.” If plaintiff fails to properly complete service, this case will be
6 dismissed for failure to prosecute.

7 The court is also in receipt for plaintiff’s motion for a refund and motion for a hearing.
8 ECF No. 11. Plaintiff indicates that he believed paying the filing fee would guarantee him a
9 hearing. This is not the case. The court will not grant a refund, and there is nothing for the court
10 to hold a hearing about until defendants are properly served. Because there is nothing before the
11 court that requires a hearing, a hearing will not be set at this time.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff’s motion at ECF No. 11 is DENIED;
- 14 2. Plaintiff is Ordered to Show Cause, in writing no later than July 31, 2025, why this action
15 should not be dismissed for failure to prosecute;
- 16 3. Plaintiff’s filing of a proof of service upon defendant will be deemed good cause shown;
17 and
- 18 4. If plaintiff fails to comply with this order, the undersigned will recommend dismissal
19 without prejudice for failure to prosecute.

20 DATED: July 14, 2025

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22 ALLISON CLAIRE
23 UNITED STATES MAGISTRATE JUDGE
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